

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action dated August 26, 2004. Claims 31-60 are pending in the application. Claims 31-36, 41-46 and 51-56 are rejected. Claims 37-40, 47-50, and 57-60 are objected to. Claims 61, 62 and 63 have been added. Accordingly, claims 31-63 are pending in the present application.

The Examiner was contacted on October 8, 2004, and it was clarified by the Examiner that reference entitled "Secure Authentication for Remote Client Management" in Information Disclosure Statement filed on December 8, 2000 has been considered by the Examiner, and was an oversight by the Examiner.

This application is under final rejection. Applicant has presented arguments hereinbelow that Applicant believes should render the claims allowable. In the event, however, that the Examiner is not persuaded by Applicant's arguments, Applicant respectfully requests that the Examiner enter the amendments to clarify issues upon appeal.

Response to Arguments

The Examiner states,

4. Applicant's arguments filed 19 May 2004 have been fully considered but they are not persuasive for the following reasons:

5. Applicant's argument in regards to the claims 31, 41, and 51 states "If the value stored in the customer's computer does not match a part of (emphasis added) the value stored in the sever...". Examiner finds this not be the case at least with above claims and no such limitation has been recited in the independent claims 31, 41, and 51. Therefore, the argument put forward by the applicant is not persuasive at least for the above reason. Although, the applicant's arguments in regards to claims 37-40, 47-50 and 57-60 has been taken to be persuasive by the examiner.

Claim Objections

The Examiner states,

6. Claims 37-40, 47-50 and 57-60 are objected to as being independent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant has added new claims 61-63. Claim 61 is claim 39 rewritten in independent form. Claim 62 is claim 49 rewritten in independent form. Claim 63 is claim 59 rewritten in independent form. Accordingly, claims 61-63 are allowable over the cited reference.

Claim Rejections – 35 USC §102

The Examiner states,

8. Claims 31-35, 41-45, and 51-55 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,963,915 to Steven T. Kirsch or U.S. Patent No. 6,311,269 to Gary L. Luckenbaugh et al.

9. As per claims 31, 41, and 51, Kirsch and Luckenbaugh clearly disclose, a method, system, and computer readable medium for conducting a transaction over a network, the network including a first system and a second system, the method, system, and program instructions comprising the steps of:

- (a) receiving in the second computer system a request from a user of the first computer system to download data from the second computer system;
- (b) determining by the second computer system whether the request represents a new transaction or an incomplete transaction by comparing a first value stored in the first computer system with a second value stored in the second system; and
- (c) if the request represents an incomplete transaction, completing the transaction, wherein the user is not charged duplicate fees associated with starting a new transaction (See Kirsch abstract, figure 3 and associated text, column 3, lines 4-32, column 4, lines 48-64, and column 13, lines 14-51 and Luckenbaugh figures 2, 2B, 2C, 3, and 4 and associated text, column 3, lines 35-64, column 5, lines 14-64, column 7, lines 9-63, and column 8, lines 1-13 and lines 53-65. To clarify both Kirsch and Luckenbaugh systems establish communication between a client and a server to retrieve certain information from a server, once this communication is established the server checks the client for existence of a cookie if such cookie exist the server compares the cookie with existing cookies in the storage at the server. Once the cookie has been verified depending on the last transaction the cookie has been related to the transaction will continue.)

10. As per claims 32, 42, and 52, Kirsch and Luckenbaugh clearly disclose, all the limitations of claims 31, 41, and 52, further:

- the first system comprises a client system and the second system comprises a server system (See Kirsch abstract, figure 3 and associated text, column 3, lines 4-32, column 4, lines 48-64, and column 13, lines 15-51 and Luckenbaugh figures 2, 2B, 2C, 3, and 4 and associated text, column 3, lines 35-64, column 5, lines 14-64, column 7, lines 9-63, and column 8, lines 1-13 and lines 53-65).

11. As per claims 33, 43, and 53, Kirsch and Luckenbaugh clearly disclose, all the limitations of claims 31, 41, and 51, further;

Kirsch and Luckenbaugh clearly disclose,

- the first value of the client system is stored in a persistent client-side data file (see Kirsch abstract, figure 3 and associated text, column 3, lines 4-32, column 4, lines 48-64, and column 13, lines 15-51 and Luckenbaugh figures 2, 2B, 2C, 3, and 4 and associated text, column 3, lines 35-64, column 5, lines 14-64, column 7, lines 9-63, and column 8, lines 1-13 and lines 53-65).

12. As per claims 34, 44, and 54, Kirsch and Luckenbaugh clearly disclose, all the limitations of claims 31, 41, and 51, further:

Kirsch and Luckenbaugh clearly disclose:

- the persistent client-side data file comprises a cookie (see Kirsch abstract, figure 3 and associated text, column 3, lines 4-32, column 4, lines 48-64, and column 13, lines 15-51 and Luckenbaugh figures 2, 2B, 2C, 3, and 4 and associated text, column 3, lines 35-64, column 5, lines 14-64, column 7, lines 9-63, and column 8, lines 1-13 and lines 53-65).

13. As per claims 35, 45, and 55, Kirsch clearly discloses all the limitations of claims 31, 41, and 51, further;

Kirsch and Luckenbaugh clearly disclose,

- b1) allowing the server system to compare the first value in the cookie with the second value in the server system (See Kirsch abstract, figure 3, and associated text, column 3, lines 4-32, column 4, lines 48-64, and column 13, lines 15-51 and Luckenbaugh figures 2, 2B, 2C, 3, and 4 and associated text, column 3, lines 35-64, column 7, lines 9-63, and column 8, lines 1-13 and lines 53-65).

Claim Rejections-35 USC §103

The Examiner states,

15. Claims 36, 46, and 56 are rejected under 35 U.S.C. 103(e) as being unpatentable over U.S. Patent No. 5,963,915 to Steven T. Kirsch or U.S. Patent No. 6,311,269 to Gary L. Luckenbaugh et al. as applied to claims above, and further in view of U.S. Patent No. 5,991,399 to Gary L. Grauke et al.

16. As per claims 36, 46, and 56, Kirsch and Luckenbaugh disclose all the limitations of claims 31, 41, and 51, further;

But they do not teach the following, however, Grauke clearly teaches,

- (d) If the request represents a new transaction, generating a new encryption**

key by the second system, wherein the new encryption key is associated with the new transaction;

(e) storing a first portion of the new encryption key in the first computer system as the first value; and

(f) storing the whole new encryption key on the second computer system as the second value. (See Grauke abstract, figures 2, 4A and 4B and associated text, column 3, lines 5-20 and 60-68, column 6, lines 17-35, column 7, lines 8-68, and column 8, lines 1-31).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Kirsch and Luckenbaugh and Grauke to achieve a greatly increased protection and control of downloads of data files by encrypting them and tracking the download process.

17. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teaching in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Applicant respectfully submits that Kirsch and Luckenbaugh fail to teach or suggest “determining by the second computer system whether the request represents a new transaction or an incomplete transaction by comparing a first value stored in the first computer system with a second value stored in the second system,” as recited in claims 31, 41 and 51. In the present invention, the server (second system) compares a value stored in the client (first system) with a value stored in the server to *determine whether the user of the first computer system is attempting to establish a new transaction or to complete an incomplete transaction*. If the value in the client *matches* part of the value in the server, then the transaction is an incomplete transaction, as opposed to a new transaction.

In Kirsch, the cookie in the client computer system includes a coded identifier that corresponds to account information for the user of the client system, which is stored in the merchant server. When the user selects a purchasable product via the client system, the client system submits the selection with the cookie to the merchant server. The merchant server uses

the cookie *to look-up the user's account record*, including billing related information, to fulfill the user's purchase request. (Col. 8, lines 14-20, col. 13, lines 32-34 (step 68, Figure 3)). Thus, contrary to the present invention, Kirsch uses the cookie to perform a look-up of a client user record, and fails to teach or suggest using the value in the client system to determine "whether the request represents a new transaction or an incomplete transaction," as recited in claims 31, 41 and 51.

In Luckenbaugh, when a user requests access to data stored in a server via a client system, the server uses the cookie *to look-up the user's identity and associated privileges*, which determines what the server returns to the user. (Col. 8, lines 53-61). Thus, contrary to the present invention, Luckenbaugh also fails to teach or suggest using the value in the client system to determine "whether the request represents a new transaction or an incomplete transaction," as recited in claims 31, 41 and 51.

Luckenbaugh does mention that a cookie can allow the "results of independent transactions which are part of the same user session to be associated with a larger session transaction," thereby "allowing an aggregate summation or totalization of the session transaction to be done." (Col. 5, lines 24-31). In other words, the cookie is associated with the session transaction and can be used to link or associate several independent transactions, e.g., places several purchases in a "virtual shopping cart," during a single session transaction. The session transaction terminates either when the web browser is terminated, i.e., the user session ends, or when the cookie expires. (Col. 5, lines 38-52). When the session transaction terminates, so does the cookie. Thus, the server determines whether a session transaction is an ongoing session or a new session by whether the client transmits a cookie or not. Accordingly, Applicant respectfully submits that Luckenbaugh's server does not determine "whether the request represents a new transaction or an incomplete transaction by *comparing*" the cookie transmitted by the client "with

a second value" stored in the server, as recited in claims 31, 41 and 51.

Applicant further submits that in addition to the above-identified arguments, the arguments presented in the previous response dated May 10, 2004 are incorporated by reference herein.

Applicant respectfully submits that Kirsch, Luckenbaugh and Grauke, alone or in combination, fail teach or suggest the present invention, as recited in claims 31, 41 and 51, and therefore that claims 31, 41 and 51 are allowable. Claims 32-40, 42-50, and 51-60 depend from claims 31, 41 and 51, and therefore the arguments above apply with equal force. Thus, Applicant respectfully submits that claims 32-40, 42-50, and 51-60 are also allowable over the cited references.

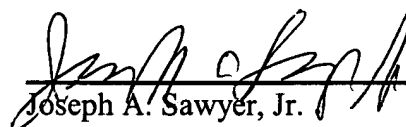
Conclusion

In view of the foregoing, it is submitted that the claims 31-63 are allowable over the cited references and are in condition for allowance. Applicant respectfully requests reconsideration of the rejections and objections to the claims, as now presented.

Applicant believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicants' attorney at the telephone number indicated below.

Respectfully submitted,
SAWYER LAW GROUP LLP

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Date


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